



February 22, 2002

ENGROSSED HOUSE BILL No. 1081

DIGEST OF HB 1081 (Updated February 21, 2002 10:36 AM - DI 102)

Citations Affected: IC 36-8.

Synopsis: Line of duty health care expenses of police and firefighters. Requires a police or fire special service district, a town, a township, a fire protection district, or a provider unit in fire protection territories to pay the medical and hospital care expenses for a police officer or firefighter who is injured or contracts an illness in the line of duty.

Effective: July 1, 2002.

Kersey, Goodin

(SENATE SPONSORS — CLARK, LUTZ L)

January 8, 2002, read first time and referred to Committee on Local Government.
January 30, 2002, amended, reported — Do Pass.
February 4, 2002, read second time, ordered engrossed. Engrossed.
February 5, 2002, read third time, passed. Yeas 92, nays 3.

SENATE ACTION

February 11, 2002, read first time and referred to Committee on Pensions and Labor.
February 21, 2002, reported favorably — Do Pass.

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EH 1081—LS 6426/DI 102+



February 22, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED HOUSE BILL No. 1081

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-8-4.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]:

4 **Chapter 4.3. Police and Fire Employment Policies in Special**
5 **Service Districts**

6 **Sec. 1. This chapter applies to a police or fire special service**
7 **district created by IC 36-3-1-6.**

8 **Sec. 2. (a) A special service district shall pay for the care of:**

9 **(1) a police officer who:**

10 **(A) suffers an injury; or**

11 **(B) contracts an illness;**

12 **during the performance of the officer's duty; or**

13 **(2) a firefighter who:**

14 **(A) suffers an injury; or**

15 **(B) contracts an illness;**

16 **during the performance of the firefighter's duty.**

17 **(b) The special service district shall pay for the following**

EH 1081—LS 6426/DI 102+



1 expenses incurred by a police officer or firefighter described in
2 subsection (a):

3 (1) Medical and surgical care.

4 (2) Medicines and laboratory, curative, and palliative agents
5 and means.

6 (3) X-ray, diagnostic, and therapeutic service, including
7 during the recovery period.

8 (4) Hospital and special nursing care if the physician or
9 surgeon in charge considers it necessary for proper recovery.

10 (c) Expenditures required by subsection (a) shall be paid from
11 the general fund of the special service district.

12 (d) A special service district that has paid for the care of a police
13 officer or firefighter under subsection (a) has a cause of action for
14 reimbursement of the amount paid under subsection (a) against
15 any third party against whom the police officer or firefighter has
16 a cause of action for an injury sustained because of, or an illness
17 caused by, the third party. The special service district's cause of
18 action under this subsection is in addition to, and not in lieu of, the
19 cause of action of the police officer or firefighter against the third
20 party.

21 SECTION 2. IC 36-8-9-8 IS ADDED TO THE INDIANA CODE
22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
23 1, 2002]: Sec. 8. (a) A town shall pay for the care of a police officer
24 who:

25 (1) suffers an injury; or

26 (2) contracts an illness;

27 during the performance of the officer's duty.

28 (b) The town shall pay for the following expenses incurred by a
29 police officer described in subsection (a):

30 (1) Medical and surgical care.

31 (2) Medicines and laboratory, curative, and palliative agents
32 and means.

33 (3) X-ray, diagnostic, and therapeutic service, including
34 during the recovery period.

35 (4) Hospital and special nursing care if the physician or
36 surgeon in charge considers it necessary for proper recovery.

37 (c) Expenditures required by subsection (a) shall be paid from
38 the general fund of the town.

39 (d) A town that has paid for the care of a police officer under
40 subsection (a) has a cause of action for reimbursement of the
41 amount paid under subsection (a) against any third party against
42 whom the police officer has a cause of action for an injury



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sustained because of, or an illness caused by, the third party. The town's cause of action under this subsection is in addition to, and not in lieu of, the cause of action of the police officer against the third party.

SECTION 3. IC 36-8-11-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 27. (a) A fire protection district shall pay for the care of a full time, paid firefighter who suffers:

- (1) an injury; or
- (2) contracts an illness;

during the performance of the firefighter's duties.

(b) The fire protection district shall pay for the following expenses incurred by a firefighter described in subsection (a):

- (1) Medical and surgical care.
- (2) Medicines and laboratory, curative, and palliative agents and means.
- (3) X-ray, diagnostic, and therapeutic service, including service provided during the recovery period.
- (4) Hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

(c) Expenditures required by subsection (a) shall be paid from the fund used by the fire protection district for payment of the costs attributable to providing fire protection services in the fire protection district.

(d) A fire protection district that has paid for the care of a firefighter under subsection (a) has a cause of action for reimbursement of the amount paid under subsection (a) against any third party against whom the firefighter has a cause of action for:

- (1) an injury sustained because of; or
- (2) an illness caused by;

the third party. The fire protection district's cause of action under this subsection is in addition to, and not instead of, the cause of action of the firefighter against the third party.

SECTION 4. IC 36-8-13-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. (a) A township shall pay for the care of a full time, paid firefighter who suffers:

- (1) an injury; or
- (2) contracts an illness;

during the performance of the firefighter's duty.

(b) The township shall pay for the following expenses incurred



by a firefighter described in subsection (a):

- (1) Medical and surgical care.
- (2) Medicines and laboratory, curative, and palliative agents and means.
- (3) X-ray, diagnostic, and therapeutic service, including during the recovery period.
- (4) Hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

(c) Expenditures required by subsection (a) shall be paid from the township firefighting fund established by section 4 of this chapter.

(d) A township that has paid for the care of a firefighter under subsection (a) has a cause of action for reimbursement of the amount paid under subsection (a) against any third party against whom the firefighter has a cause of action for an injury sustained because of, or an illness caused by, the third party. The township's cause of action under this subsection is in addition to, and not in lieu of, the cause of action of the firefighter against the third party.

SECTION 5. IC 36-8-19-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) A provider unit shall pay for the care of a full time, paid firefighter who:

- (1) suffers an injury; or
- (2) contracts an illness;

during the performance of the firefighter's duty.

(b) The provider unit shall pay for the following expenses incurred by a firefighter described in subsection (a):

- (1) Medical and surgical care.
- (2) Medicines and laboratory, curative, and palliative agents and means.
- (3) X-ray, diagnostic, and therapeutic service, including during the recovery period.
- (4) Hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

(c) Expenditures required by subsection (a) shall be paid from the fund used by the provider unit for payment of the costs attributable to providing fire protection services in the provider unit.

(d) A provider unit that has paid for the care of a firefighter under subsection (a) has a cause of action for reimbursement of the amount paid under subsection (a) against any third party against whom the firefighter has a cause of action for an injury sustained



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1 because of, or an illness caused by, the third party. The provider
2 unit's cause of action under this subsection is in addition to, and
3 not in lieu of, the cause of action of the firefighter against the third
4 party.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1081, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 5 through 30, begin a new paragraph and insert:

"SECTION 3. IC 36-8-11-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 27. (a) A fire protection district shall pay for the care of a full time, paid firefighter who suffers:**

(1) an injury; or

(2) contracts an illness;

during the performance of the firefighter's duties.

(b) The fire protection district shall pay for the following expenses incurred by a firefighter described in subsection (a):

(1) Medical and surgical care.

(2) Medicines and laboratory, curative, and palliative agents and means.

(3) X-ray, diagnostic, and therapeutic service, including service provided during the recovery period.

(4) Hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

(c) Expenditures required by subsection (a) shall be paid from the fund used by the fire protection district for payment of the costs attributable to providing fire protection services in the fire protection district.

(d) A fire protection district that has paid for the care of a firefighter under subsection (a) has a cause of action for reimbursement of the amount paid under subsection (a) against any third party against whom the firefighter has a cause of action for:

(1) an injury sustained because of; or

(2) an illness caused by;

the third party. The fire protection district's cause of action under this subsection is in addition to, and not instead of, the cause of action of the firefighter against the third party."

Page 3, line 33, after "care of a" insert "**full time, paid**".

Page 4, line 6, delete "the general fund of".

Page 4, line 6, delete "township." and insert "**township firefighting fund established by section 4 of this chapter.**".

Page 4, line 16, after "care of a" insert "**full time, paid**".

Page 4, line 31, delete "general".

EH 1081—LS 6426/DI 102+



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Page 4, line 31, delete "of" and insert "**used by**".

Page 4, line 31, delete "unit." and insert "**unit for payment of the costs attributable to providing fire protection services in the provider unit.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1081 as introduced.)

STEVENSON, Chair

Committee Vote: yeas 9, nays 4.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Pensions and Labor, to which was referred House Bill No. 1081, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1081 as printed January 31, 2002.)

HARRISON, Chairperson

Committee Vote: Yeas 7, Nays 1.

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EH 1081—LS 6426/DI 102+

